

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Chris Gregerson

Plaintiff

vs.

KARE-TV

Defendant

) No.: 10-4974 JRT/JJK

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**COMPLAINT FOR
COPYRIGHT
INFRINGEMENT**

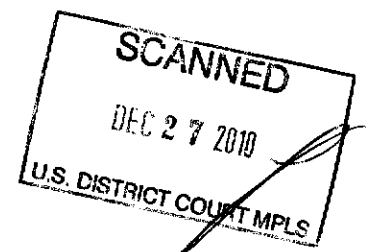
Plaintiff, Chris Gregerson, in it's complaint against the Defendant, alleges the following:

JURISDICTION AND VENUE

- 1 This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).
- 2 This Court has jurisdiction under 17 U.S.C. § 101 *et seq.* (copyrights); 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
- 3 This Court has personal jurisdiction over the the Defendant by virtue of their office of record being located in this District, and their transacting, doing, and soliciting business in this District, and because the relevant events occurred in this District.
- 4 Venue is proper because the defendant or his agent reside or may be found in this judicial district (28 USC § 1400(a)).

PARTIES

- 5 Plaintiff is a natural person residing at 150 N. Green Ave., New Richmond, WI, 54017.
- 6 Defendant KARE TV is an NBC affiliate with a registered place of business of 8811 Olson Memorial Hwy, Mpls, MN 55427.



FACTS

- 7 The Plaintiff, a professional photographer by trade, created a photograph of the Minneapolis skyline (during sunny weather conditions and showing traffic on interstate 35W) in May of 2002.
- 8 The Plaintiff has published a version of the photo on his website from July 19th, 2002 until the present as image #1756. The photo appears at the web address: <http://www.cgstock.com/1756> (exhibit A, attached).
- 9 The Plaintiff published the photograph with several features to identify the Plaintiff's copyright ownership of the image:
 - a. The Plaintiff's website address is stamped on the photo (this was "www.phototour.minneapolis.mn.us" in 2002, but Plaintiff began using the address "www.cgstock.com" around 2007);
 - b. A copyright notice reading "(c)Chris Gregerson 2002" is digitally-embedded in the jpeg file's "comment" field;
 - c. A copyright notice appears underneath the photo, along with information about licensing the image;
 - d. A visible copyright notice is stamped on the image itself in the lower-left.
- 10 The Plaintiff obtained a certificate of copyright registration for the photo from the U.S. Copyright Office effective March 4th, 2004 (exhibit B, attached). The image part of a bulk registration of all photos created by Chris Gregerson and published in the year 2002 (consistent with requirements for bulk registration of photographs under 37 CFR 202.3(b)(10)). Image #1756 was included in the registration application in digital form on a CD-ROM with the date of publication stamped on the image (see exhibit B, pg. 3).
- 11 The Defendant published the Plaintiff's photo on their website (exhibit C, attached). The same vehicles can be seen driving on the freeway in both images, and they are composed and cropped the same.
- 12 The Defendant published the Plaintiff's photo with several modifications:
 - a. the Plaintiff's website address was removed from the image;
 - b. the Plaintiff's digitally-embedded copyright notice was deleted;
 - c. the Plaintiff's copyright notice does not appear on the image, and no

copyright notice appears identifying the Plaintiff's ownership.

- 13 Upon information and belief, the publication by the defendant of the Plaintiff's photograph #1756 occurred after the Plaintiff was awarded his certificate of copyrighted registration for the image.
- 14 The publication by the defendant of the Plaintiff's photograph #1756 was without the knowledge or consent of the Plaintiff, the exclusive copyright owner. The Plaintiff is the only party or agent authorized to license photos created by the Plaintiff, and he licenses all his photos through his website.
- 15 The Defendant knew they had published the Plaintiff's image without his consent, but made no effort to contact the Plaintiff to obtain a license for their use of the image.
- 16 The Plaintiff subsequently discovered the Defendant's use of his photo by coincidence in 2010, and on December 1st, 2010, the Plaintiff contacted the Defendant by email asking the Defendant to itemize their use of his image, identify where they obtained the photo, and state whether they were still using it (exhibit D, attached).
- 17 The Plaintiff did not receive any reply to his email.
- 18 On December 13th, 2010, the Plaintiff sent a letter by regular mail to the Defendant, again asking them to itemize their use, identify their source for the photo, and cease using the image (exhibit E, attached).
- 19 The Plaintiff has not received an answer to his letter.

**CAUSE OF ACTION
Copyright Infringement**

- 20 Paragraphs 1-19 are incorporated herein by reference.
- 21 Plaintiff has the exclusive right to reproduce, distribute, and publicly display copies of his photograph #1756 (See 17 U.S.C. § 106).
- 22 Plaintiff did not grant defendant any permission or rights to image #1756.
- 23 Defendant published image #1756.
- 24 The defendant has infringed on the Plaintiff's copyright to photograph #1756.
- 25 The defendant removed the Plaintiff's copyright management information from photographs #1756 and/or knowingly distributed the photo with the copyright

management information removed (See 17 U.S.C. § 1202(b)(1) and (3)).

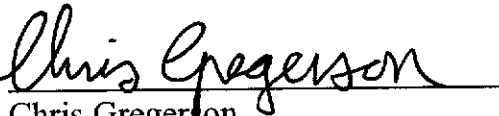
PRAYER FOR RELIEF

THEREFORE, Plaintiff prays for judgment against the defendant(s) as follows:

- A Declaring that Defendants' unauthorized conduct violates Plaintiffs' rights under the Federal Copyright Act;
- B Immediately and permanently enjoining Defendants from publishing any of Plaintiffs' copyrighted photographs;
- C Awarding Plaintiff statutory damages of up to \$150,000 for Defendant's willful infringement of Plaintiff's copyright to image #1756 pursuant to 17 U.S.C. § 504(c)(2);
- D Awarding Plaintiff the statutory damages of \$25,000 under 17 U.S.C. §1203(c)(3)(B) for willful removal of the photo's copyright management information;
- E Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505; and
- F Awarding Plaintiff any further relief as is just and proper.

Respectfully submitted,

Dated: December 23rd, 2010


Chris Gregerson
Plaintiff, *pro se*
150 N Green Ave.
New Richmond, WI 54017
Telephone: 612-245-4306

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Chris Gregerson

Plaintiff

vs.

KARE-TV

Defendant

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**EXHIBIT
LIST**

Exhibit A

Plaintiff's photograph #1756 as it appears on his website

Exhibit B

Plaintiff's Certificate of Copyright Registration for #1756

Exhibit C

Plaintiff's photo #1756 as published by the Defendants

Exhibit D

Plaintiff's December 1st email to Defendant

Exhibit E

Plaintiff's December 13th letter to Defendant

Exhibit A

Plaintiff's photograph #1756 as it appears on his website

cgstock.com
Phototour of Minneapolis

Local Coupons

1 ridiculously huge coupon a day. Get 50-90% off your city's best!

Laptops Sold for \$33.33

Today Only: All HP Laptops are Sold for up to 98% Off. Buy Yours Today!

Ads by Google

search photos

licensing site info

newest

video home

RSS

home > minneapolis

> Downtown >

#1756

sections

Minneapolis

St. Paul

Categories

China

Philippines

Bob Firth

Locations

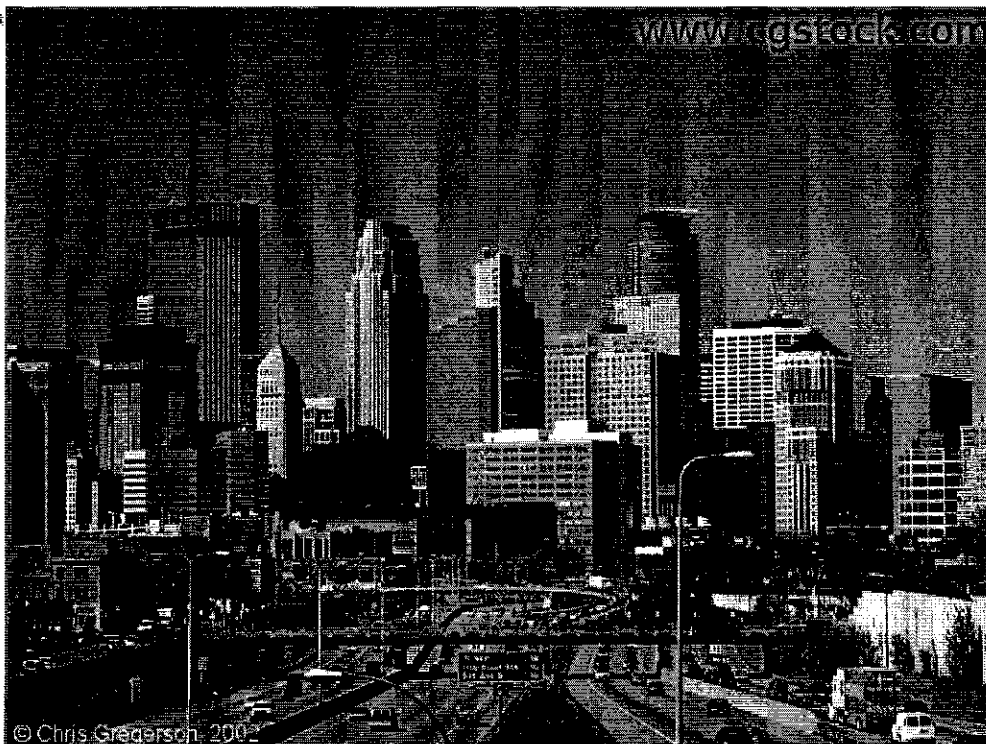
Events

Prints

Google
Checkout



Downtown Minneapolis Skyline (#1756)



this photo is in these
categories: [reset photo](#)

Downtown

skyscrapers

popular

Minneapolis prints

by image number

chronological

previous:



next:



information

license this photo:

web use

print use

buy a print

[make this a favorite](#) [view your favorites](#)

copyright © 2002 Chris Gregerson. Available format: 4 megapixel (2272 x 1704 total resolution)

picture date: 2002-05-20

description

You are looking north at the downtown Minneapolis skyline. The freeway in the foreground is Interstate 35W. Some of the buildings pictured (left to right) are:

- AT&T Tower (frayed looking top on the left, in front of the IDS Tower)
- IDS Tower (tall, blue building on the left)
- Foshay Tower (off-white stone building resembling the Washington Monument)
- Wells Fargo Tower (cream skyscraper)
- Piper Jaffray Tower (with flat blue reflective sides)
- American Express building
- US Bank Place (skyscraper with a crown right of center)
- Pillsbury Tower (white)
- Andersen Consulting
- Hennepin County Government Center

links

[purchase a print of this photo online](#)

- City of Minneapolis homepage
<http://www.ci.minneapolis.mn.us/>
- Minneapolis Downtown Council's website
<http://www.downtownmpls.com/>
- Map of Downtown Minneapolis Skyway System
<http://www.minneapolis.org/pages/visitors/lowtechmap.asp>
- Map of Downtown Minneapolis from the GMCVA
<http://www.minneapolis.org/pages/visitors/maps.asp>
- City of Minneapolis Maps, from the City's Website
Links to five quality maps(in .pdf format)
<http://www.ci.minneapolis.mn.us/about/maps/index.html>

22.48

- 1975 Photo of the Minneapolis skyline from Cedar Avenue and I-94
<http://collections.mnhs.org/VisualResources/VRDBImages/pf020/pf020833.jpg>
- 1982 Photo of the Hubert H. Humphrey Metrodome, Looking Northwest
<http://collections.mnhs.org/VisualResources/VRDBImages/pf028/pf028774.jpg>
- 1975 Photo of the Downtown Skyline (IDS and Foshay) Overlooking Loring Park
<http://collections.mnhs.org/VisualResources/VRDBImages/pf013/pf013720.jpg>
- 1975 View of the Skyline from the Walker Art Center Terrace
<http://collections.mnhs.org/VisualResources/VRDBImages/pf020/pf020827.jpg>

comments

- **Howard Mitchell** Boulder, Colorado -- 2005-06-13

I appreciate these photos of my favorite city. Its really cool to be able to access Minneapolis from Boulder. Im looking forward to it.
Your Hebrew Homeboy, Howard. (Chamad).

- **Darrell Reich** Las Vegas, Nv. -- 2006-10-21

I left Minneapolis in 1987. After growing up there all my life. It's a great picture. It looks different now. It makes me feel a little bit homesick.

Post a comment on this picture

This page last modified: 2002-09-10

search photos

cgstock.com provides quality stock photos for commercial, fine-art, education, and non-profit use, with an emphasis on pictures of the Twin Cities of Minneapolis and St. Paul, Minnesota, China, and the Philippines.

phone cgstock.com at 612-245-4306 email us: chrs@cgstock.com
Chris Gregerson, 150 Green Ave. N., New Richmond, WI 54017 USA

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<http://www.cgstock.com/>

Domains created and maintained by Chris Gregerson, chrs@cgstock.com

www.cgstock.com www.gregerson.org www.new-richmond-photos.com athena.gregerson.org

Exhibit B

Plaintiff's Certificate of Copyright Registration for #1756

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

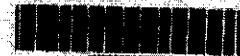
Margbeth Peters

Register of Copyrights, United States of America



Form VA
For a Work of the Visual Arts

VA 1-237-421



EFFECTIVE DATE OF REGISTRATION

MAR 04 2004

Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

Title of This Work

NATURE OF THIS WORK See instructions

Phototour of Minneapolis website

Photographs

Previous or Alternative Titles

Group registration/Photos approximately 715 photos

Publication as a Contribution If the work was published in a periodical or other serial, give the title of the periodical, the volume, number, and date of publication, and the title of the work as published.

If published in a periodical or serial: Volume Number Issue Date On Pages

NAME OF AUTHOR

Christopher Scott Gregerson

DATES OF BIRTH AND DEATH

Year Born Year Died

1969

Was this contribution to the work a

work made for hire?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

USA

USA

Was This Author's Contribution to the Work

Anonymous

☐ Yes

☐ No

Pseudonym

☐ Yes

☐ No

If the answer to either of these questions is Yes, see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☐ 1 Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2 Dimensional artwork

☒ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author

Dates of Birth and Death

Year Born

Year Died

Was this contribution to the work a

work made for hire?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous

☐ Yes

☐ No

Pseudonym

☐ Yes

☐ No

If the answer to either of these questions is Yes, see detailed instructions

Nature of Authorship Check appropriate box(es) See instructions

☐ 1 Dimensional sculpture

☐ Map

☐ Technical drawing

☐ 2 Dimensional artwork

☐ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Year in Which Creation of This Work Was

Completed

2002

This information

should be given

Year in all cases

Date and Nation of First Publication of This Particular Work

Complete this information

ONLY if this work

has been published

Month

Day

Year

2002

U.S.A.

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given on all the claimant's the name, the address, and the city.

Christopher Gregerson 4440 Beard Ave S #113 Minneapolis MN 55410

Transfer If the claimant(s) named here is/are different from the author(s) named in page 2 of this brief statement of how the claimant(s) obtained ownership of the work, give the

See instructions before completing this space

MORE ON BACK

Complete all applicable spaces (numbers 5-9) on the reverse side of this page

See detailed instructions

Sign the form at line 8

DO NOT WRITE HERE

Page 1 of 2 pages

RECEIVED
ONE DEPOSIT RECEIVED
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

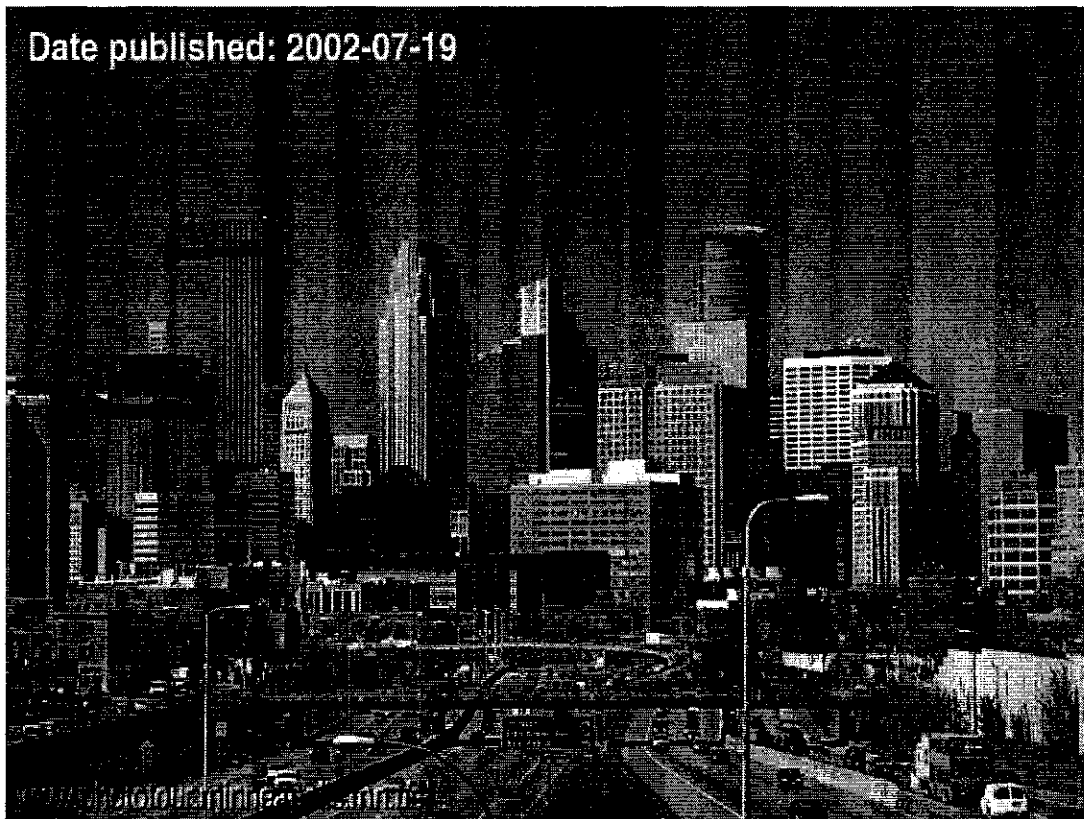


Exhibit C

Plaintiff's photo #1756 as published by the Defendants



Exhibit D
Plaintiff's December 1st email to Defendant

Source for photo on your website, "100908082718_sunny mpls.jpg"

From: Chris Gregerson <chris@cgstock.com>

To: kare-webmaster@kare.gannett.com

Date: 12/01/10 11:55 am

You have had a photo on your website at the address below:

www.kare11.com/assetpool/images/100908082718_sunny%20mpls.jpg

I created the photo, have a certificate of copyright registration for the photo, and it's been published on my website since 2002 here:
<http://www.cgstock.com/1756>

Can you tell me where you obtained the photo, how you used the photo, and whether you are still using it?

Thanks,

Chris Gregerson
www.cgstock.com / phototour.minneapolis.mn.us
150 N. Green Ave.
New Richmond, WI 54017
612-245-4306

Exhibit E

Plaintiff's December 13th letter to Defendant

Chris Gregerson
150 Green Ave. N.
New Richmond, WI 54017
phone 715-246-2070 / cell:612-245-4306

12/13/10

KARE 11
8811 Olson Memorial Hwy.
Minneapolis, MN 55427

Re: Unauthorized use of a copyrighted photograph by Kare 11

To Whom it may Concern,

I previously contacted Kare 11 regarding the use of a Minneapolis Skyline photo on the Kare 11 website which I own the copyrights to. That email is enclosed. I have not received a reply.

The photograph appears on my photography website at the URL below (a print-out of the page is also enclosed):

<http://www.cgstock.com/1756>

As stated in my email, I hold a certificate of copyright registration for this photo and it was used on the Kare 11 website without my permission. I asked in my email that you inform me all the uses of the image by Kare 11/Gannet, your source for the image (where you obtained it), and if it's still being used. If you are using the image, I demand you stop.

Sincerely,


Chris Gregerson